

REMARKS

Claims 36-72 are now present in this application.

Claims 36 and 68 have been amended. Reconsideration of the application, as amended, is respectfully requested.

Claims 36-67 stand rejected under 35 U.S.C. 112, first paragraph and second paragraphs. These rejections are respectfully traversed.

The Examiner has objected to the term "dimensionally stable state". On page 8 of the April 1, 2002 Office Action, the Examiner has suggested utilizing language such as "stable over a period of at least twelve months". While the applicants do not agree with the Examiner that the dimensionally stable state phrase is unsupported or is unclear, the foregoing changes to claim 36 have been made to expedite prosecution. The added limitation of claim 36 is supported, for example, on page 5, lines 10-12 wherein "the replicated surface relief is essentially permanent over time. By essentially permanent, is meant that the replicated surface relief is stable over a period of at least 12 months."

In claim 68, it is also noted that a term suggested by the Examiner has been inserted, pressing "at room temperature". Again, this change should be supported by the original disclosure.

Nonetheless, the phrase "dimensionally stable state" has been removed from claim 36 and accordingly the 35 U.S.C. 112, first paragraph and second paragraphs should therefore be overcome.

Reconsideration and withdrawal of these rejections are respectfully requested.

Claims 36, 53 and 54 stand rejected under 35 U.S.C. 102(b) as being anticipated by Wolf, U.S. Patent 3,937,852. This rejection is respectfully traversed.

The patent to Wolf discloses a process for baking a compressed cracker. There is no teaching in this patent of placing any surface relief on the dough. The dough pellets are merely flattened when travelling along the conveyor belt 6. Surface 19 will engage the dough to compress it to a desired thinness, but this surface does not have some surface relief which is pressed into the dough. Basically, the dough goes in with a flat top surface and exits the conveyor with a flat top surface. There has been no change to the surface properties of the dough. While the sides of the dough may be shorter (thinner), this is not a first relief which is transferred by surface 19. In other words, at least one surface relief is not replicated on the sides or the top (or bottom) of the dough. The dough is merely compressed, but a method of replicating a surface relief is not taught. Moreover, the surface relief is to be stable over a period of at least twelve months. It is questioned whether the dough and any changes thereto would last that long.

It is respectfully submitted that the patent to Wolf would neither suggest nor render obvious the claims of the present application.

Claims 36-37, 39-49, 53-58 and 60-64 stand rejected under 35 U.S.C. 102(e) as being anticipated by CHOQUETTE et al., U.S. Patent 5,861,113. This rejection is respectfully traversed.

Claims 38, 47-52, 59 and 65 stand rejected under 35 U.S.C. 103 as being unpatentable over CHOQUETTE et al. in view of MALLIK et al., U.S. Patent 5,085,514 and further in view of the allegedly admitted prior art. This rejection is respectfully traversed.

Claims 36-37, 39-40, 46, 52-57 and 64-67 stand rejected under 35 U.S.C. 102(e) as being anticipated by SCHAEFER et al., U.S. Patent 6,006,415. This rejection is respectfully traversed.

Claims 38, 47-51, 59 and 68-72 stand rejected under 35 U.S.C. 103 as being unpatentable over SCHAEFER et al. in view of MALLIK et al. This rejection is respectfully traversed.

Claims 41-42, 45, 58 and 60-63 stand rejected under 35 U.S.C. 103 as being unpatentable over SCHAEFER et al. in view of MALLIK et al. This rejection is respectfully traversed.

Claims 36-72 stand rejected under 35 U.S.C. 103 as being unpatentable over MIEKKA et al., U.S. Patent 4,913,858, in view of FORMOSA, U.S. Patent 4,913,858 and further in view of MALLIK et al. This rejection is respectfully traversed.

In prior responses, differences between the instant invention of this utilized prior art have been set forth. The Examiner has made some suggestions for claim language, which have now been incorporated into the claims by the foregoing amendments. The

utilized prior art does not suggest or teach a method or article as recited in these claims. A replicated surface relief that is stable over a period of at least twelve months is provided by the instant invention and recited in independent claims 36 and 68. It should be noted that the replicated surface may last longer than twelve months, but this claim and the disclosure only require a period of up to at least twelve months.

It is respectfully submitted that the prior art utilized by the Examiner would neither suggest nor render obvious the invention claimed in the present application. Accordingly, reconsideration and withdrawal of the prior art rejections is therefore requested.

Favorable reconsideration and an early Notice of Allowance are earnestly solicited.

In the event that any outstanding matters remain in this application, the Examiner is invited to contact the undersigned at (702) 205-8000 in the Washington, D.C. area.

Pursuant to the provisions of 37 C.F.R. 1.17 and 1.136(a), Applicants hereby petition for an extension of three (3) months from April 1, 2002 to October 1, 2002 in which to file a response to the Office Action. The required fee of \$920.00 is attached hereto.

Attached hereto is a marked-up version of the changes made to the application by this Amendment.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

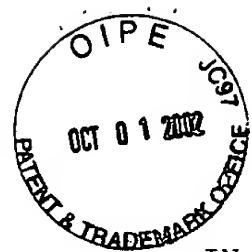
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Attachment: Version with Markings to Show Changes Made

(Rev. 09/26/01)



VERSION WITH MARKINGS TO SHOW CHANGES MADE

IN THE CLAIMS:

36. (Twice Amended) A method of replicating a surface relief, said method comprising the steps of
providing a first layer of a non-metallic material which is held by a holding metal substrate, and

pressing into the first layer of non-metallic material an object comprising a surface so as to change surface properties of the first layer of non-metallic material in order to replicate at least one surface relief, said at least one surface relief forming part of the surface of the object; and

wherein the [step of pressing is performed when said first layer of non-metallic material is in its dimensionally stable state]
surface relief is stable over a period of at least twelve months.

68. (Amended) A method of replicating a surface relief, said method comprising the steps of:

providing a first layer of a non-metallic material which is held by a bearing metal substrate, and

pressing into the first layer of non-metallic material an object comprising a surface so as to change surface properties of the first layer of non-metallic material in order to replicate at least one surface relief, said at least one surface relief forming part of the surface of the object, the metal substrate including a color print layer, the color print layer being positioned between the metal substrate and the first layer of a non-metallic material,
the surface relief being stable over a period of at least twelve months.